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5	IN THE UNITED STATES DISTRICT COURT
6	FOR THE DISTRICT OF ARIZONA
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8	Thomas Bjordahl,) No. CV-08-01240-PHX-LOA
9	Plaintiff,) NOTICE OF ASSIGNMENT) AND ORDER
10	vs.
11	Bank of America, N.A., a national banking) association,
12	Defendant.
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15	Pursuant to Local Rule ("LRCiv") 3.8(a), Rules of Practice, effective
16	December 1, 2007, all civil cases are, and will be, randomly assigned to a U.S. district
17	judge or to a U.S. magistrate judge. This matter has been assigned to the undersigned U.S.
18	Magistrate Judge.
19	As a result of the aforesaid Local Rule, if all parties consent in writing, the
20	case will remain with the assigned magistrate judge pursuant to 28 U.S.C. 636(c)(1) for
21	all purposes, including trial and final entry of judgment. If any party chooses the district
22	judge option, the case will be randomly reassigned to a U.S. district judge. To either
23	consent to the assigned magistrate judge or to elect to have the case heard before a
24	district judge, the appropriate section of the form, entitled Consent To Exercise Of
25	Jurisdiction By United States Magistrate Judge ¹ , must be completed, signed and filed.
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27	¹ The consent/election form may be obtained directly from the Clerk of the Court or
28	by accessing the District of Arizona's web site at www.azd.uscourts.gov. To find the consent/election form on the District's web site, click on "Local Rules" at the top of the page,

The party filing the case or removing it to this Court is responsible for serving all parties 1 2 with the consent forms. Each party must file a completed consent form and certificate of 3 service with the Clerk of the Court not later than 20 days after entry of appearance, and must serve a copy by mail or hand delivery upon all parties of record in the case. 4 5 Any party is free to withhold consent to magistrate judge jurisdiction 6 without adverse consequences. 28 U.S.C. 636(c)(2); Rule 73(b), Fed.R.Civ.P.; Anderson v. Woodcreek Venture Ltd., 351 F.3d 911, 913-14 (9th Cir. 2003) (pointing out that 7 8 consent is the "touchstone of magistrate judge jurisdiction" under 28 U.S.C. §636(c). "A 9 party to a federal civil case has, subject to some exceptions, a constitutional right to 10 proceed before an Article III judge." Dixon v. Ylst, 990 F.2d 478, 479 (9th Cir. 1993) 11 (citing Pacemaker Diagnostic Clinic of Am. Inc. v. Instromedix, Inc., 725 F.2d 537, 541 (9th Cir. 1984) (*en banc*)). 12 13 A review of the Court's file indicates that Defendant Bank of America, 14 N.A., filed a Notice of Removal on July 2, 2008. 15 Defendant shall have until Wednesday, July 23, 2008, within which to 16 make its selection to either consent to magistrate judge jurisdiction or elect to proceed 17 before a U. S. district judge. The Court's docket reflects the appropriate consent form 18 was electronically transmitted to all counsel on July 3, 2008 by the Clerk's office. 19 Accordingly, 20 IT IS ORDERED that the Defendant Bank of America, N.A., shall file on 21 or before Wednesday, July 23, 2008 its written election to either consent to magistrate 22 judge jurisdiction or elect to proceed before a United States district judge. 23 IT IS FURTHER ORDERED that Plaintiff shall either consent to proceed 24 before a magistrate judge or elect to proceed before a district judge by Wednesday, July 25 23, 2008. 26

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then click on "forms" on the left side of the page and then click on and print the appropriate form.

1	IT IS FURTHER ORDERED that counsel and any party, if
2	unrepresented, shall hereinafter comply with the Rules of Practice for the United States
3	District Court for the District of Arizona, as amended on December 1, 2007. The
4	District's Rules of Practice may be found on the District Court's internet web page at
5	www.azd.uscourts.gov/. All other rules may be found as www.uscourts.gov/rules/. The
6	fact that a party is acting pro se does not discharge this party's duties to "abide by the
7	rules of the court in which he litigates." Carter v. Commissioner of Internal Revenue, 784
8	F.2d 1006, 1008 (9 th Cir. 1986).
9	IT IS FURTHER ORDERED that counsel and any party, if
10	unrepresented, shall use the above caption, number and initials until further order of the
11	Court.
12	DATED this 9 th day of July, 2008.
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15	Janounce O. Gulesson_
16	Lawrence O. Anderson United States Magistrate Judge
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